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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,222	05/02/2001	Jens Weber	10191/1707	3908
26646	7590	01/13/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			MARTINEZ, DAVID E	
			ART UNIT	PAPER NUMBER
			2182	
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/744,222	Applicant(s) WEBER ET AL.	
	Examiner David E Martinez	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/18/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 10-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,091,856 to Hasegawa et al. (Hasegawa), in view of RFC 791 "Internet Protocol".

1. With regards to claim 6, Hasegawa teaches a controller for a plurality of electric loads of a motor vehicle [abstract] comprising:

a central computer [fig 1 element 1 column 2 lines 25-35];

a databus [fig 1 element 17 column 2 lines 59-66]; and

a plurality of local computers [fig 1 control units attached to databus 17, column 2 lines 59-66], each local computer corresponding to and configured to control a respective one of the electric loads [column 3 line 45 to column 4 line 2], each local computer being connected to the central computer via the databus [fig 1 element 17] and being configured to exchange control data [column 2 line 67 to column 3 line 5] via the databus [fig 1 element 17];

wherein each electric load is arranged with the respective local computer in one of a plurality of load modules and is controlled by the respective local computer within the load module [the control units disclosed in column 2 lines 59-66, take instructions from the "central computer" element 1 above, and implement said instructions within their respective subsystem to satisfy the central computer's demands, column 2 line 67 to column 3 line 5 and column 3 line 45 to column 4 line 2];

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wherein the central computer is in a client-server relationship with each of the local computers [column 2 line 66 to column 3 line 5]; and

wherein the central computer and the local computers define an intranet [fig 1 element 1, and local computer elements connected on bus 17 (e.g. elements 19, 21) make up a restricted computer network i.e. an internet].

wherein each local computer includes a server program for the data exchange [column 2 line 66 to column 3 line 5, column 3 line 45 to column 4 line 15] and wherein the central computer includes a browser program [column 2 lines 50-58, column 11 lines 18-29].

Hasegawa teaches all of the above limitations except for exchanging control data according to an internet protocol.

However, RFC 791 teaches the use of internet protocol over a network for the benefit of providing a verification that the information has been transmitted correctly from a source to a destination, [page 3 of RFC 791]

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Hasegawa and the RFC 791 to use an internet protocol for exchanging data for the benefit of verifying that the information has been transmitted correctly from a source to a destination.

2. With regards to claim 7, Hasegawa teaches the controller according to claim 6, wherein one of the plurality of load modules includes a set of the electric loads, the set of the electric loads being controlled by one of the local computers [column 3 line 45 to column 4 line 2].

Claims 8,10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,091,856 to Hasegawa et al. (Hasegawa). In view of RFC 791 "Internet Protocol" as applied above, further in view of US Patent No. 4,594,571 to Neuhaus et al. (Neuhaus).

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3. With regards to claim 8, the combination of Hasegawa and RFC 791 fail to teach the controller according to claim 7, wherein the databus includes a plurality of bus lines arranged in a star network between the central computer and the load modules, however, Neuhaus teaches the use of a databus including a plurality of bus lines arranged in a star network between the central computer and the load modules in a vehicle because it provides greater reliability and security [column 2 lines 11-43].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hasegawa, RFC 791, and Neuhaus to have the databus include a plurality of bus lines arranged in a star network between the central computer and the load modules for the benefit of greater reliability and security.

4. With regards to claim 10, Hasegawa teaches The controller according to claim 9, wherein the server program includes a microserver program [column 3 line 45 to column 4 line 15].

5. With regards to claim 11, Hasegawa teaches The controller according to claim 9, further comprising a display device [fig 1 element 15] connected to the central computer, the display device being configured to display a home page of a respective one of the local computers selected for control [fig 8, column 7 line 61 to column 8 line 11].

Response to Arguments

Applicant's arguments filed 10/08/04 have been fully considered but they are not persuasive.

With regards to amended claim 6 (a combination of previously presented claims 6 and 9), applicant argues:

"There is absolutely no teaching or suggestion that the control devices include **a server program** for the data exchange, or that the central computer (system manager) includes a

browser program. In fact, the Hasegawa reference teaches away from the claimed invention in that the system manager of Hasegawa behaves like a server, since it provides information, while the individual component control devices behave more like clients since they receive information from the system manager. Therefore, the relationships of the devices disclosed in Hasegawa is unlike, and does not suggest, the claimed relationships. Moreover, as noted above, Hasegawa does not refer to a browser application at all, and in particular, there is absolutely no suggestion that the interface (7) of the system manager of Hasegawa constitutes an Internet browser as claimed. See Specification, page 4, line 32 ("Internet browser is run as an application program on central computer 11")."

Examiner respectfully disagrees. Although the central computer (system manager) behaves as a server, and the individual component control devices (local computers in instant application) behave as clients (as noted by applicant above), any client can be a server as disclosed in the Newton Telecom Dictionary definition for "server".

Server.

2. Software definition of a server: A server is a program which provides some service to other (client) programs. The connection between a client program and the server program is traditionally by message passing, often over a local area or wide area network, and uses some protocol to encode the client's requests and the server's responses. ***Any given program may be capable of acting as both a client and a server, perhaps switching its role based on the nature of the connection. The terms "client" and server" simply refer to the role that the software program performs during a specific connection.*** Similarly, any given server may function as an origin server, a proxy server, a gateway server, or a tunnel modifying its behavior based on the specific nature of a given request from a client. (emphasized)

Thus, as noted by the applicant, although the individual component control devices (local computers) behave like clients, they are also servers. In addition, notice the double arrows that connect each of the individual control components (local computers) to the data bus [fig 1]. The double arrows disclose bilateral communication taking place over the data bus. This bilateral communication is controlled by the client/server software inside each of the individual component control devices (local computers).

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As per the browser program, display device 15 [fig 1, column 2 lines 50-58, column 11 lines 18-29] discloses messages for a user (a browser) to input his/her selection used within the system, and Fig 8 shows what the browser GUI looks like.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,314,422 to Barker et al.

US Patent No. 6,331,762 to Bertness.

EP 1 427 165 A2 to Snap-On Technologies.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E Martinez whose telephone number is (571) 273-4152. The examiner can normally be reached on 8:30-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM


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